

IN THE UNITED STATES DISTRICT COURT FOR  
THE EASTERN DISTRICT OF VIRGINIA  
Alexandria Division

UNITED STATES,

V.

XIZHI LI,  
Defendant.

Crim. No. 1:19cr334  
Hon. Leonie Brinkema

RESPONSE TO GOVERNMENT’S MOTION FOR A STATUS CONFERENCE

Comes now Defendant Xizhi Li, by counsel, and responds to the Government's Motion for a Status Conference:

On April 29, 2021, the Government moved the Court to set a status conference as to “the state of discovery and to address matters related to the representation of the defendant.” (Doc. 250). The Government noted undersigned’s objection to the motion.

Defendant objected to a hearing, quite simply, because such a conference is presently unnecessary as the Defendant had nothing to report, and a hearing would be a waste of the Court's and undersigned's time. Defendant, however, also requested that, if the Government did seek its conference, the Government ask for the hearing to be set next week given undersigned's scheduling difficulties this week.

First, regarding the state of discovery. Undersigned is unaware of discovery issue requiring Court intervention. And while undersigned has informed the Government of his difficulties reviewing the discovery with Defendant given the protective order, the distant location of Defendant's confinement facility, and the risks of in-person visitation given the

Covid-19 pandemic, the Government has previously rejected any remedies undersigned proposed.

Second, regarding the Defendant's representation. As a professional courtesy, undersigned informed the Government that it might be advisable to delay a planned reverse-proffer last week given some potential issues with Defendant's representation. Undersigned was not prepared to say more at that time, and cannot now. In sum, undersigned has nothing to report to the Court at this time. The Court should reject any attempt by the Government to pry into protected attorney-client communications.

Defendant requests the status conference be tabled or, at least, continued to any time next week excepting the 13<sup>th</sup> at 9:30.

Respectfully Submitted,

XIZHI LI  
By Counsel

/s/  
John C. Kiyonaga

600 Cameron Street  
Alexandria, Virginia 22314  
Telephone: (703) 739-0009  
Facsimile: (703) 340-1642  
E-mail: john@johnckiyonaga.com

Counsel for the Defendant

Certificate of Electronic Service

I hereby certify that on May 3, 2021, the foregoing was electronically filed with consequent service to AUSA David Peters.

/s/  
John C. Kiyonaga